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3  
4 BILL NO. S-74-08-17

5 SPECIAL ORDINANCE NO. S- 145-74

6 AN ORDINANCE approving a contract with BERCOT,  
7 INC. for water line extension in Rolling Green Addition

8 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT  
9 WAYNE, INDIANA:

10 SECTION 1. The contract dated July 3, 1974 between BERCOT, INC.  
11 and the City of Fort Wayne, by and through its Mayor and the Board of Public Works  
12 for :  
13

14 864<sup>+</sup> feet of six inch (6") ductile iron water main on Brentwood  
15 Avenue from Eastrowe Street to the West property line of Lot 116  
16 and on Eastrowe Street from Grayston St. to Brentwood Ave., all  
17 in Rolling Green Addition. Said water main with all its appurten-  
18 ances shall be constructed in accordance with the plans and specifi-  
19 cations now on file in the office of the Department of Public Works  
20 of said City

21 for a cost of \$17,220.80, with the property owners paying approximately \$14,190.80  
22 under Barrett Law and the balance of \$3,030.00 to be paid by City Utilities, all as  
23 more particularly set forth in said Contract which is on file in the Office of the  
24 Board of Public Works, and is by reference incorporated herein and made a part  
25 hereof, is hereby in all things ratified, confirmed and approved.

26 SECTION 2. This Ordinance shall be in full force and effect from and  
27 after its passage and approval by the Mayor.

28   
29 Councilman

30  
31  
32  
33 APPROVED AS TO FORM  
34 AND LEGALITY,  
35   
CITY ATTORNEY

Read the first time in full and on motion by Burns, seconded by Hengo, and duly adopted, read the second time by title and referred to the Committee on City Utilities (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 197\_\_\_\_\_, at \_\_\_\_\_ o'clock P.M., E.S.T.

Date: 8-13-74

Charles W. Westerman  
CITY CLERK

Read the third time in full and on motion by Burns, seconded by Hengo, and duly adopted, placed on its passage. Passed (~~DEF~~) by the following vote:

	AYES <u>9</u>	NAYS <u>0</u>	ABSTAINED _____	ABSENT _____	to-wit:
BURNS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
HINGA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
KRAUS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
MOSES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
NUCKOLS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
SCHMIDT, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
SCHMIDT, V.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
STIER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
TALARICO	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

DATE: 8-27-74

Charles W. Westerman  
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map) (General) (Annexation) (Special) (Appropriation) Ordinance (Resolution) No. A-145-74 on the 27th day of August, 1974.

ATTEST: (SEAL)

Charles W. Westerman  
CITY CLERK

Samuel J. Talarico  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of August, 1974, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman  
CITY CLERK

Approved and signed by me this 28th day of August, 1974, at the hour of 4:00 o'clock P. M., E.S.T.

Paul J. Talarico  
MAYOR

Bill No. 574-08-17

REPORT OF THE COMMITTEE ON CITY UTILITIES

We, your Committee on City Utilities to whom was referred an Ordinance  
approving a contract with BERCOT, INC. for water line extension in Rolling Green  
Addition.

have had said Ordinance under consideration and beg leave to report back to the Common  
Council that said Ordinance DO PASS.

Paul M. Burns - Chairman

James S. Stier - Vice-Chairman

Vivian G. Schmidt

Donald J. Schmidt

Eugene Kraus, Jr.

CONCURRED IN

DATE 8-27-74 CHARLES W. WESTERMAN, CITY CLERK



THE CITY OF FORT WAYNE  
board of public works

July 23, 1974

The Common Council  
Fort Wayne, Indiana

Gentlemen and Mrs. Schmidt:


The City has awarded a contract to Bercot, Inc. in the amount of \$17,220.80 for construction of a water main to service customers on Brentwood Avenue and Eastrowe Street in Rolling Green Addition.

This is a Barrett Law project petitioned by the property owners. The City will be contributing \$3,030.00 to the project.

Due to the need of the property owners and the contractor's desire to begin construction, the Board deems it advisable to request "Prior Approval" of this contract.

Subject shall be submitted for formal approval August 13, 1974.



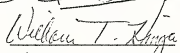

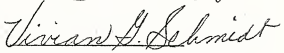
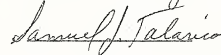
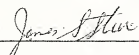
Sincerely,

  
Dr. Jerry D. Boswell, Chairman  
Board of Public Works

JDB/ss

Attachment

APPROVAL:

 Eugene Kraus  W. S. Schmidt  
 William T. King  Mrs. E. M. Schmidt  Vivian A. Schmidt  
 Samuel J. Talarico  James Stine

MEMBERS OF THE COMMON COUNCIL

# CONTRACT AND BOND

RECEIVED JUL - 8 1974

This Agreement, Made and entered into as of the 17<sup>th</sup> day of

July, 1974 by and between

Bercot, Inc.

the County of Allen and State of Indiana, party of the first part, and the City of Fort Wayne, County of Allen, State of Indiana, by and through its Board of Public Works, party of the second part, under and by virtue of an Act of the General Assembly of the State of Indiana, entitled "An Act Concerning Improvements, in or for the benefit of recorded platted additions to and/or within cities and towns." Approved May 16, 1927, and the provisions of all acts amendatory thereto and supplemental thereof.

WITNESSETH, That the party of the first part covenants and agrees to construct

864 ± feet or six inch (6") ductile iron water main on Brentwood Avenue from Eastrowe Street to the West property line of Lot 116 and on Eastrowe Street from Grayston St. to Brentwood Ave., all in Rolling Green Addition. Said water main with all its appurtenances shall be constructed in accordance with the plans and specifications now on file in the office of the Department of Public Works of said City.

for the Following Prices

ITEM	QUANTITY	DESCRIPTION	UNIT PRICE	EXTENSION
1.	864 ± lf	6" Ductile iron water main	12.05	10,411.20
2.	2 ea.	Fire Hydrant Assy., Type II W/box	816.00	1,632.00
3.	1 ea.	6" Gate Valve W/box	227.00	227.00
4.	1 ea.	6"x6"x6" M.J. Tee	177.00	177.00
5.	759 ± lf	Top Soil and Seeding	.90	683.10
6.	55 ± lf	Driveway Stone Replacement	2.60	143.00
7.	50 ± lf	Oiled Gravel Street Replacement	1.35	67.50
8.	20 ea.	3/4" Service taps with curb stop and curb box.	194.00	3,880.00
		TOTAL BID		17,220.80
9.	36	Inspection Hours	@ \$12.00	432.00

The said party of the first part expressly agrees to make the improvements herein specified in strict accordance with the provisions of Water Improvement Resolution No. 1008-'74 and in accordance with the plans, profiles and specifications for the Improvement on file in the office of the Department of Public Works of said city. The resolution, profiles, plans, specifications and bids for work herein specified are hereby made a part of this contract as fully and effectively as if herein set out in full.

The said party of the first part further agrees to do and perform all of said work to the entire satisfaction of the Board of Public Works and to complete the same within 90 days after the date of Execution of this contract. To each of the conditions and stipulations of this contract the undersigned bind themselves, their successors and assigns.

IN WITNESS WHEREOF, We, the foregoing named parties hereunto set our hands this 3rd day of July, 1974.

Bercot, Inc.

By:

Contractor, party of the first part.

This contract approved by us this 17 day of July, 1974

BOARD OF PUBLIC WORKS,  
Party of the second part.

APPROVED BY

John R. Fleck

Mayor

# LIABILITY BOND

KNOW ALL MEN BY THESE PRESENTS, That we .....Bercot, Inc.....

as principal and .....The Cincinnati Insurance Company.....

as surety, are held and firmly bound to the City of Fort Wayne, Indiana, in the sum of .....

Seventeen Thousand Two-Hundred Twenty and 80/100..... (\$ 17,220.80.....)

for the payment of which well and truly to be made we jointly and severally bind ourselves, our heirs, executors, administrators and assigns firmly by these presents.

The conditions of the above obligations are such, that if the above named party of the first part shall faithfully comply with the foregoing contract made and entered into the .....

day of ....., with the City of Fort Wayne, Indiana, and shall faithfully fulfill all the conditions and stipulations therein contained including the payment of vendors', suppliers and sub-contractors' bills, except the warranty and guaranty of the water main as to the workmanship, material and condition for the period of One (1) year, according to the true intent and meaning thereof in all respects, then this obligation to be void, other wise to be an remain in full force and virtue in law and in the event the said City shall extend for the completion of said work, such extension shall not in any way release the sureties of this bond.

Witness our hands and seals this.....3rd.....day of .....July,..... 19..74

Bercot, Inc. .... (SEAL)

By: *Paul S. Bercot* ..... (SEAL)

The Cincinnati Insurance Company ..... (SEAL)

By: *H. Stanley Huff* ..... (SEAL)

H. Stanley Huff, Jr., Atty-in-fact

Approved this .....17th.....day of .....July,..... 19..74

*Ronald L. Roman*  
.....  
Ronald L. Roman

Board of Public Works.

The Contractor will furnish immediately a certificate from the Industrial Board of the State of Indiana, that he has complied with Sections 5, 68, 69 of the Workmen's Compensation Act, approved March 14, 1929, in accordance with Section 14 of the Compensation Act (Acts 1929, page 545, being Section 9459 of Burns Annotated Statutes Volume IV). (Section 40-1214 Burns Annotated 1952 Revision—Volume VIII).

A copy of General Ordinance No. G-60-66, concerning discriminating in employment under municipal contracts, is attached and incorporated herein by reference.



# GUARANTY BOND

KNOW ALL MEN BY THESE PRESENTS, That we Bercot, Inc.

Contractors

as principal and The Cincinnati Insurance Company

as surety, are held and firmly bound to the City of Fort Wayne, Indiana, in the sum of

Seventeen Thousand Two Hundred Twenty and 80/100 (\$17,220.80)

for the payment of which well and truly to be made we jointly and severally bind ourselves, our heirs, executors, administrators, and assigns firmly by these presents.

The conditions of the above obligations are, that whereas the said Bercot Inc.

did on the 2nd day of July, 1974 enter into a contract with the City of Fort Wayne, Indiana, by and through its Board of Public Works, for the construction of a water main in and along Brentwood Avenue and Eastrowe Street, in Rolling Green Addition

according to certain plans and specifications, and also warranting and guaranteeing the work, material and conditions of the water main as provided in the aforesaid contract, plans and specifications.

Now, if the said Bercot, Inc.

shall faithfully perform and fulfill all the requirements of said warranty and guaranty, and make all repairs required under said guarantee, and in the manner provided for, then this bond to be null and void otherwise to be in full force and effect.

WITNESS our hands and seals this 3rd day of July, 1974

Bercot, Inc. (SEAL)

By: Paul Bercot (SEAL)

The Cincinnati Insurance Company (SEAL)

By: John H. Hull (SEAL)

Approved this 17th day of July, 1974

Ronald K. Berman  
Board of Public Works.

THE CINCINNATI INSURANCE COMPANY

Cincinnati, Ohio

Power of Attorney

KNOW ALL MEN BY THESE PRESENTS: That THE CINCINNATI INSURANCE COMPANY, a corporation organized under the laws of the State of Ohio, and having its principal office in the City of Cincinnati, Ohio, does hereby constitute and appoint **H. Stanley Huff, Jr. ; Donald F. Campbell and/or Ruth Kramer**

of **Fort Wayne, Indiana**

its true and lawful Attorney(s)-in-Fact to sign, execute, seal and deliver on its behalf as Surety, and as its act and deed, any and all bonds, policies, undertakings, or other like instruments, as follows:

**Any such obligations in the United States, in any amount.**

This appointment is made under and by authority of the following resolution passed by the Board of Directors of said Company at a meeting held in the principal office of the Company, a quorum being present and voting, on the sixth day of December, 1958, which resolution is still in effect:

"RESOLVED, that the President or any Vice-President be hereby authorized, and empowered to appoint Attorneys-in-Fact of the Company to execute any and all bonds, policies, undertakings, or other like instruments on behalf of the Corporation, and may authorize any officer or any such Attorney-in-Fact to affix the corporate seal; and may with or without cause modify or revoke any such appointment or authority. Any such writings so executed by such Attorneys-in-Fact shall be binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the company."

IN WITNESS WHEREOF, THE CINCINNATI INSURANCE COMPANY has caused these presents to be sealed with its corporate seal, duly attested by its Vice-President this 26th day of October 1973.



THE CINCINNATI INSURANCE COMPANY

Robert M. Morgan  
Vice-President

STATE OF OHIO )  
COUNTY OF HAMILTON) ss:

On this 26th day of October 1973, before me came the above named Vice-President of THE CINCINNATI INSURANCE COMPANY, to me personally known to be the officer described herein, and acknowledged that the seal affixed to the preceding instrument is the corporate seal of said Company and the corporate seal and the signature of the officer were duly affixed and subscribed to said instrument by the authority and direction of said corporation.

Henry G. Berlon

HENRY G. BERLON, Attorney At Law  
Notary Public State of Ohio  
My commission has no expiration date.  
Section 147.03 R. C.

I, the undersigned Secretary and Treasurer of THE CINCINNATI INSURANCE COMPANY, hereby certify that the above is a true and correct copy of the Original Power of Attorney issued by said Company, and do hereby further certify that the said Power of Attorney is still in full force and effect.

GIVEN under my hand and seal of said Company at Cincinnati, Ohio.  
this 3rd day of July 1974



Robert J. Dieckhaus  
Secretary and Treasurer



DIGEST SHEET

*A-74 08-17*

TITLE OF ORDINANCE: Contract with Bercot, Inc. for water line extension

DEPARTMENT REQUESTING ORDINANCE: Board of Public Works

SYNOPSIS OF ORDINANCE: Contract with Bercot, Inc. in amount of \$17,220.80 for  
water line extension to serve properties on Brentwood Avenue in Rolling Green  
Addition. This is a Barrett Law project with the property owners paying  
\$14,190.80.

(See Prior Approval letter attached)

EFFECT OF PASSAGE: Water service to future City Utility customers.

EFFECT OF NON-PASSAGE: Failure to provide water to petitioners.

MONEY INVOLVED (Direct Costs, Expenditures, Savings):  
City Utilities cost \$3,030.00

ASSIGNED TO COMMITTEE (J.N.):

*City Utility*

EIS/ss